

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Stephen P.B. Kranz, Donal R. Parks, and
Round Table Properties-MN L.L.C.,

Civil No. 06-3380 (PAM/JSM)

Plaintiffs,

v.

ORDER

Paul Koenig; Michelle Koenig; Pamiko
Properties, LLC; and MarkLee Construction,
LLC;

Defendants.

This matter is before the Court on Defendants' Motion to Strike Plaintiffs' Memorandum in Opposition to Defendants' Motion for Summary Judgment, or in the alternative, for an Enlargement of Time. Defendants correctly note that Plaintiffs' Memorandum was filed one week late and ask the Court to strike that Memorandum or to extend the deadline for Defendants' Reply Memorandum. Plaintiffs acknowledge that their Memorandum was filed late, citing a miscalculation of deadlines as the reason for the late filing. Plaintiffs do not object to extending the deadline for Defendants' Reply Memorandum.

The deadlines for filing papers in support of or in opposition to a dispositive motion are clearly set forth in the Local Rules. See D. Minn. L.R. 7.1(b)(2) (requiring papers in opposition to a motion for summary judgment to be filed "at least 20 days prior to the hearing" on the motion). The Court does not take lightly any party's failure to comply with

these deadlines. Late filings prejudice not only the opposing party but also hinder the Court's ability to fully consider the issues at hand prior to the hearing on the motion. However, striking the late Memorandum is a draconian remedy that the Court should impose only in rare circumstances. This is not such a circumstance.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Strike (Docket No. 69) is **DENIED**; and
2. Defendants may file their Reply Memorandum on or before Friday, December 14, 2007.

Dated: December 13, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge